

**IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF WEST VIRGINIA**

**CHARLESTON DIVISION**

IN RE: AMERICAN MEDICAL SYSTEMS, INC.  
PELVIC REPAIR SYSTEM PRODUCTS LIABILITY  
LITIGATION

MDL No. 2325

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THIS DOCUMENT RELATES TO ALL CASES

**ETHICON, INC. AND JOHNSON & JOHNSON'S NOTICE OF JOINING IN OMNIBUS  
RESPONSE TO MOTIONS TO QUASH SUBPOENAS FILED BY AMERICAN  
MEDICAL SYSTEMS, INC.**

PLEASE TAKE NOTICE that Defendants Johnson & Johnson and Ethicon, Inc. hereby join in the Omnibus Response to Motions to Quash Subpoenas [Doc. 880], filed by American Medical Systems, Inc. ("AMS") [Doc. 892].

In its Response [Doc. 892], AMS has described a disturbing scheme to create fraudulent medical records which threatens the integrity of the evidence presented in the transvaginal mesh cases, and the integrity of the MDL proceedings as a whole. For the reasons stated by AMS in its Response, the information sought is not protected attorney work product, nor is it protected by the attorney-client privilege. Further, upholding the subpoenas is the only means effectively to investigate whether Plaintiffs are being referred for procedures that are not medically necessary and whether medical records produced in support of claims in this Court are fraudulent. The importance of this evidence cannot be overstated, as "[e]ven the slightest accommodation of deceit or a lack of candor in any material respect quickly erodes the validity of the [judicial] process." *United States v. Shaffer Equip. Co.*, 11 F.3d 450, 462 (4th Cir. 1993).

For the foregoing reasons, Defendants Johnson & Johnson and Ethicon, Inc. hereby join in AMS's Omnibus Response to Motions to Quash Subpoenas.

Dated: September 26, 2013

Respectfully submitted,

/s/ Christy D. Jones

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COUNSEL FOR DEFENDANTS  
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**CERTIFICATE OF SERVICE**

I hereby certify that on September 26, 2013, I electronically filed the foregoing document with the Clerk of the Court using the CM/ECF system which will send notification of such filing to CM/ECF participants registered to receive service in this MDL.

/s/ Christy D. Jones

Christy D. Jones

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